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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,360	12/06/2005	Anke Gerda Sinnema	NL 030664	5647
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EXAMINER				
DENTER, CLARK F				
ART UNIT		PAPER NUMBER		
3724				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/559,360

**Applicant(s)**

SINNEMA ET AL.

**Examiner**

Clark F. Dexter

**Art Unit**

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 13, 23-35, 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) 23-35, 37 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The Appeal Brief filed on December 23, 2009 has been entered. Upon careful reconsideration of the claimed subject matter, new grounds of rejection are required. Also, consideration of newly discovered prior art is necessary. Any inconvenience caused by this action is regretted. Because the new grounds of rejection were not necessitated by applicant's response (i.e., the Appeal Brief), this Office action is being made **non-final**.

### *Drawings*

2. The replacement drawings received on July 3, 2008 stand objected to because of the following informalities:

New Figures 9-12 stand as being considered to be new matter and should be canceled.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the at least one spiral-shaped ridge (claim 4), the at least one star-shaped ridge (claim 4), the at least one flower-shaped ridge (claim 4), and a pattern of dimples (claim 5) must be shown or the feature(s) canceled from the claim(s).

Additionally, the shaving aid additive retaining means wherein such means comprises a plurality of grooves as now set forth in claim 1 must be shown or the feature(s) canceled from the claim(s). It is noted that the original disclosure sets forth that the shaving aid retaining means is either or both of a plurality of ridges 30-32 (e.g., see page 4, lines 3-9, particularly lines 5-6 of the original disclosure) or a groove 48 (e.g., see page 4, lines 27-32). A plurality of such grooves (e.g., see page 5, lines 31-32) is not shown.

No new matter should be entered. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application as described above.

***Specification***

4. The amendment filed December 17, 2007 stands objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

The new paragraphs added after page 2, line 32 and found on page 2 of the subject amendment; and

The replacement paragraph for the paragraph beginning at page 4, line 19 of the specification and found on page 3 of the subject amendment.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112, 2<sup>nd</sup> paragraph***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-5 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 3, the recitation "characterized by" is vague and indefinite as to what it refers (e.g., does it refer to the shaving apparatus or to the device for providing shaving aid additive?).

In claim 2, line 3, the recitation "first shaving aid additive retaining means" is vague and indefinite as to whether it refers to that set forth in claim 1 or to additional such retaining means, and if the latter is the case, it is suggested to change "first" to --additional-- in line 3 and in line 1 of claims 3 and 5; in lines 3-4, the recitation "the skin contact surface enclosed by the external cutting member" lacks antecedent basis (particularly since the previously recited skin contact member is set forth as accommodating at least one cutting unit; see claim 1).

In claim 13, line 2, the recitation "an external annular cutting member" is vague and indefinite as to whether it refers to that set forth in claim 2 (which includes claim 1) or to another such member; in line 4, the recitation "shaving aid additive retaining means" is vague and indefinite as to whether it refers to that set forth in claim 2 (which includes claim 1) or to another such retaining means.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by WIPO Publication 02/051598 (hereafter WIPO '598).

WIPO '598 discloses a shaving apparatus with every structural limitation of the claimed invention including:

a skin contact surface (e.g., the upper surfaces of holder 2 as viewed in Fig. 1; the upper surfaces of the frame(s) as viewed in Figs. 6-8) accommodating at least one cutting unit (e.g., 3; structure including 53) that comprises an external cutting member (e.g., 4; 53), a matching internal cutting member (e.g., 6; not shown), and a device (e.g., 9, 59, 60) for providing a shaving aid additive to said skin contacting surface, characterized by shaving aid additive retaining means (e.g., 9; 59, 60) provided on at least part of said skin contact surface, wherein the shaving aid additive is one of a liquid, a gel, a foam, a cream, a water-soluble hard material; wherein the shaving aid additive retaining means comprises a plurality of grooves (e.g., the grooves in 9; the grooves formed by member(s) 59, see Figs. 7, 8) that prevent the shaving aid additive from entering apertures in the external cutting member.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1-5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable Geertsma et al., Pub. No. 2002/0083591 (hereafter Geertsma '591) in view of WIPO Publication 02/051598 (hereafter WIPO '598) and in the alternative, in view of Hasselquist, pn 1,416,199 (hereafter Hasselquist '199).

Regarding claims 1-5, Geertsma '591 discloses a shaving apparatus with almost every structural limitation of the claimed invention including:

a skin contact surface (e.g., the upper surfaces of holder 2 as viewed in Fig. 1) accommodating at least one cutting unit (e.g., 3) that comprises an external cutting member (e.g., 4), a matching internal cutting member (e.g., 6, 7), and a device (e.g., 9, 10) for providing a shaving aid additive to said skin contacting surface, characterized by shaving aid additive retaining means (e.g., 9, 10) provided on at least part of said skin contact surface, wherein the shaving aid additive is one of a liquid, a gel, a foam, a cream, a water-soluble hard material; wherein the shaving aid additive retaining means



comprises a plurality of grooves (e.g., the grooves formed between features 10) that prevent the shaving aid additive from entering apertures in the external cutting member;

[claim 2] wherein said at least one cutting unit is of the rotary type comprising an external annular cutting member, and wherein first shaving aid additive retaining means are provided on the skin contact surface enclosed by the external cutting member of the at least one cutting unit (e.g., as viewed in Fig. 2);

[claim 3 (from 2)] wherein the first shaving aid additive retaining means comprise at least one ridge extending around the center of the skin contact surface enclosed by the annular cutting member of the at least one cutting unit (e.g., as shown in Fig. 2);

[claim 4 (from 3)] wherein said at least one ridge comprises at least one of the following configurations:

- a) a number of concentric ridges,
- b) a spiral-shaped pattern of ridges,
- c) a star-shaped pattern of ridges,
- d) a flower-shaped pattern of ridges

(e.g., feature 9 with features 10 are considered to broadly meet at least items c and/or d);

[claim 5 (from 2)] wherein the first shaving aid additive retaining means (e.g., 9, 10) include a pattern of dimples (e.g., 10) in at least part of the skin contact surface.

Regarding claim 13, Geertsma '591 discloses a cutting unit of the rotary type, said cutting unit having an external annular cutting member (e.g., 4) and a skin contact surface (e.g., the surface of 9, 10) enclosed by the external contact member, wherein

said enclosed skin contact surface is provided with shaving aid additive retaining means (e.g., the concentric ridge of 9 shown in Fig. 2 and/or features 10).

**Geertsma '591 lacks** a plurality of grooves as set forth in claim 1. However, the Examiner takes Official notice that such groove structure is old and well known in the art and provides various well known benefits. For example, WIPO '598 provides such a plurality of grooves (e.g., 9) and teaches that such a groove structure acts as a skin stretcher to facilitate an effective shaving action. Therefore, it would have been obvious to one having ordinary skill in the art to provide such a groove structure on the shaver of Geertsma '591 to gain the well known benefits including that described above.

**In the alternative**, if it is argued that the ridges and grooves of Geertsma '591 do not meet the claimed limitation(s) directed to the shaving aid additive retaining means, the Examiner takes Official notice that such structure is old and well known in the art and provides the following benefits. Geertsma '591 teaches that the ridges 10 are provided on the cover to reduce frictional resistance between a user's skin and the cover during shaving. Geertsma '591 further teaches that such ridges may be provided in any location on the surface of the cover. In a similar manner, Hasselquist '199 discloses such friction-reducing structure in the form of concentric ridges and teaches that "the air has entrance or access between the face and faceplate, hence overcoming or eliminating any such undesirable tendency to suction or adhering action." Therefore, it would have been obvious to one having ordinary skill in the art to provide an alternate ridge structure such as that taught by Hasselquist '199 on the cover of the cutting units of Geertsma '591 to gain the well known benefits including those described above.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Boyer D. Ashley/  
Supervisory Patent Examiner, Art Unit 3724

/Clark F. Dexter/  
Primary Examiner, Art Unit 3724

cfd  
March 19, 2010